

LELAND ZUNDEL ENTERPRISES,)	AGBCA No. 98-170-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

October 27, 1999

OPINION BY ADMINISTRATIVE JUDGE HOWARD A. POLLACK

This appeal arises out of Contract No. 43-04KK-6-2052 between the Forest Service (FS), U. S. Department of Agriculture, Malheur National Forest, John Day, Oregon, and Leland Zundel Enterprises of St. Anthony, Idaho. This was a requirements contract for gopher baiting treatment on an estimated 7,500 acres of land. It was bid on a per-acre basis.

Appellant's total claim was \$49,003.27. Appellant asserted that the FS breached the contract through various actions and inactions, among which were charges that the FS used improper and untimely inspection methods; failed to properly count, as satisfactory, a number of plots having no signs of gopher activity; and incorrectly interpreted portions of the contract regarding what constituted gopher activity. The FS took exception to Appellant's various charges, asserting that the FS actions complied with the contract.

The FS issued its decision denying Appellant's claim. Appellant filed a timely appeal. The Board has jurisdiction under the Contract Disputes Act, 41 U.S.C. §§ 601-613.

After the exchange of pleadings and an election of hearing by Appellant, the Board held a telephone conference with the parties. Soon thereafter, the Board scheduled a hearing for June 29, 1999, in Boise, Idaho. Prior to the hearing, the Board was notified that the parties had reached a settlement. Thereafter, the parties forwarded the signed settlement agreement under which Appellant agreed to withdraw its appeal.

DECISION

In accordance with the parties' settlement agreement, the appeal is dismissed.

HOWARD A. POLLACK
Administrative Judge

Concurring:

ANNE W. WESTBROOK
Administrative Judge

EDWARD HOURY
Administrative Judge

Issued at Washington, D. C.
October 27, 1999